Supreme Court, U.S.
FILED

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NO.

IN THE

SUPREME COURT OF THE UNITED STATES
IKECHUKWU AFI IBRAHIM-PETITIONER

VS.

WAL-MART STORES INC., -RESPONDENTS

ON THE PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS, 4TH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

IKECHUKWU AFI IBRAHIM

812 LASALLE AVENUE APARTMENT #12D
HAMPTON VIRGINIA 23669
NO PHONE NUMBER

QUESTIONS

I was ask to put carts in rail before I went home. My shift time was from 7-4, at 3:58 CSM told me what my manager had asked, and I said no, because I had made plans. That's when my troubles of the past and present personnel files of mine started. But was not fired for.

Is conspiracy to hinder civil rights violating equal protection of all laws?

Does bias and prejudice deepen the evil?

When equal protection of laws is not given to citizens, is the clause going to look deep enough to secure rights it seeks to protect?

Is false write-ups a conspiracy to deprive?

Is a venue change from the stipulated court place a conspiracy? When at the time of being at place stipulated, was the location changed then and only then, no previous letters etc. was given, from one Federal court to another Federal court. When court denies Federal Rules of Procedure particular (803, 406 etc), a protection of rights given by Congress, constitution and Federal

Rules of Procedure has that deprive of, given effect to conspiracy to deprive?

CEO made a statement voluntarily that included women & minority. Does racial classification of races give rise to racism?

The 14th admendment of the Constitution protects against causes and effects of racial biases. Does his influence about race violate Equal Protection Of The Laws?, being that his agents could read his message to, because the statement was in a library reference book, because my filed complaint has not been of a questionable issue since EEOC file of discrimination and retaliation, is that depriving me of my rights also in another form?

Can a Pro-se who is not a lawyer be denied the use of Federal rules because I was not aware of specific form the rules of evidences had to be propered for fact-finder?

Is two witness's that supervisor wrote of supposed to be in the same place when I said no?

LIST OF PARTIES

ALL PARTIES APPEARING IN THE CAPTION OF THE CASE ON THE COVER PAGE.

PROCTORS OF WAL-MART STORES, INC.

IT'S LEGAL TEAM

CEO (DAVID GLASS)

EEOC TEAM

WAL-MARTS STORES, INC. ATTORNEY'S (WEBB & DANIELS)

JUDGES OF THE FEDERAL PROCEDURES

To be filed by: 06/01/99 Jh1

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Richmond, VA
19 May 1999

No. 99-1637 Ibrahim v Wal-Mart Stores, Inc.

DISCLOSURE OF CORPORATE AFFILIATIONS AND ENTITIES WITH A DIRECT FINANCIAL INTEREST IN LITIGATION ONLY ONE FORM NEED BE COMPLETED FOR A PARTY EVEN IF THE PARTY IS PRTRESENTED BY MORE THAN ONE ATTORNEY. DISCLOSURE MUST BE FILED ON BEHALF OF INDIVIDUALS AS WELL AS CORPORATIONS AND OTHER LEGAL ENTITIES. COUNSEL HAS DUTY TO UPDATE THIS INFORMATION.

Pursuant to FRAP 26.1 and Local Rule 26.1
I answered no to all questions. Was given reason to fill-out
Disclosure to prevent lack of prosecution or default.
"s/Ikechukwu Afi Ibrahim". I'm the appellant

TABLE OF AUTHORITIES CITIED

CASES

U. States v Price, 383 US 787, 86 S Ct 1152, 16L Ed 2d 267

Great American Federal Savings & Loan Asso. v Novotny, 442 US 366, 99 S Ct 2345 60 L Ed 2d 957

US v Johnson, 390 US 563, 88 S Ct 1231, 20 L Ed 2d 132

Griffin v Breckenridge, 406 US 88, 91 S Ct 1790, 229 L Ed 2d 338

Young Dental Mfg. Co., Inc. V. Q3 Special Prods., Inc., 112 F.3d 1137, 1141 (Fed.Cir.1997)(FRofCP)

Luden's Inc. v Local Union No. 6 of Bakery, Confectionery & Tobacco Workers' Int'l Union of America, 28 F.3d 347,353 (3d Cir.1994)(case may be modified as a "case stated";

Murphy Exploration & Prod. Co. v Oryx Energy Co., 101 F.3d 670, 673 (Fed.Cir. 1996)stipulated facts

Wiley v United States, 20 F.3d 222, 224(6th Cir.1994)facts

Jeffery v Sarasota White Sox, Inc., 64 F.3d 590, 594 (11th Cir. 1995)whether evidence presents a submission to jury

Anderson v Liberty Lobby, Inc. 477 U.S. 242, 249, 106 S Ct. 2005, 2510, 91 L.Ed.2d 202 (1986)doubts and inferences

Eastman Kodak Co. V Image Technical Servs., Inc., 504 U.S. 451, 456, 112 S.Ct. 2072, 2076, 119L.Ed.2d 265 (1992)

Adickes v S.H. Kress & Co., 398 U.S. 144, 157-59, 90 S.Ct. 1598, 1608-09, 26L.Ed.2d 142 (1970)

Anderson v Liberty Lobby, Inc. 477 U.S. 242,255,106 S.Ct.2505, 2513,91 L.Ed.2d 202 (1986)discretion of the ct.

Constitutional Amendments

14th amendment (equal protection of all laws)

Statutes & Rules

18 USCS 241

42 USCS 1985(3)

Federal Rules of Procedure, (803,406) etc.

Rule 56 (as a matter of law)

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· REASON FOR GRANTING PETITION

Judge denying me use of Federal rule 803(17) & 406 etc. My equal protection rights have been hindered by conspiracy. Violating of my rights as a citizen of this State.

Wal-Mart Stores, Inc., its legal team, attorney's, courts, eeoc members, proctors involved give rise to conspiracy to conspire. The Wal-Mart Stores, Inc. Constitution & policy was violated by proctors and courts violated the laws of equal protection of all citizens(African, American, Asian, Blacks etc.)that are born in a state of the United States, laws that are to be justified through the writing of non-bias and non-prejudice laws. Not as these intellectuals we have encountered on this sweep of injustice have abused the law of color etc. with the "tacit assumptions" of laws, as society views the

so-called **NEGRO** that **GOD** has not created us differently with certain inalienable rights. I had the right to say 'no, I have planned something to do after work." When asked or told to stay back and round-up carts 2 minutes before my normal schedule time to go home. Normally others of the store round-up carts with stockman or without stockman. The task takes hours to complete when only one stockman is scheduled and has to perform all stockman duties alone. Such was my case.

Also I told judge Morgan that an inchoate offense had occurred and that the four write-ups used by attorney for Wal-Mart Stores, Inc.for summary judgement as a matter of law were false write-ups. Were proven to judge Morgan and he said so too after I proffered it. Then later said I just disagree.

Another is the CEO statement and the handbook stating that proctors were to schedule our breaks and lunch times, they did'nt and because so used it against me wrongly. CEO stated that **women & minority were not prominent in Wal-Marts Mangement hierarchy, however.** In Everybody's Business published in 1990 found in the public library reference book. Performance Coaching formWMP-63 4/90 that I rely on states that **if this particular problem /opportunity does not occur again within twelve months** this form/write-up will be removed from associates file.

OPINION & JURISDICTION

IN THE
SUPREME COURT OF THE UNITED STATES PETITIONS FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari be issued to review the judgements below.

OPINIONS

Cases from the **Federal** Courts:
The opinions of the United States District Courts appears in Appendix **E& D** of the petition and is reported at Norfolk and Newport News circuit court offices of Virginia.

The opinion of the **United States Court** of **Appeals** appear in Appendix **F** of the petition and is reported in Richmond
Virginia area for all of the above circuits.

JURISDICTION

Federal Court case:
The Fourth Circuit Court of Newport News & The Fourth Circuit Court of Norfolk, both of Virginia.
The date which United States District Court decided my case was summitted to United States Court of Appeals December 16, 1999 (CA-98-72-4)
The United States Court of Appeals For The Fourth Circuit case No. 99-1637 referred to as (CA-98-72-4) was decided December 27,1999
Constitution of the U.S. (14th admendment, etc.)

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

14TH Amendment to United States Constitution
Federal Rules of Civil Procedures
Civil Rights Statutes
Civil Rights Act of 1964
Civil Rights Act of 1991
Civil Rights Act of 1870(1981)
18 USCS 241
42 USCS 1985(3)
Schwartz Constitution Law 9.2-9.5 (1979)
McCormick Evidence statutes 212-217 (4th ed. 1992)
Equal Rights Statutes
Conspiracy Provisions

STATEMENT OF CASE

The case has had an inchoate conspiracy conspiracy writing ever since a proctor wrote a performance coaching form starting with proctor Ronnie, then MaryJo, then Blake and again MaryJo. Others involved are manager Ed, 2nd in command of Wal-Mart Stores, Inc. 1631 Walton, CSM, and Gist. My proof of how many write-ups in one year has been over looked by Judges and used as a conspiracy by proctors, to make me guilty of their right to terminate. Rules 803(17) and 406 of Federal Rules of Civil Procedure etc. have been denied/violated to find facts for defendants cause, by fact finder. Its been and is a conspiracy to hinder my rights.
The judge said that I could not use rules 803(17),406,14th amendment nor proofings of false write-ups.

Congress and Federal Rules of Civil Procedures state that Federal rules are to be followed in Federal Courts by fact finders. Thus given rise to conspiracy to hinder my rights, because judge did'nt follow rules. Also I had the right to say NO to staying over to round up carts.

Handbook rule, constitution and court rules have been swept underneath the rug to favor defendant.

CONSPIRACY CONSPIRACY

I was not terminated when I reported that my supervisor had wrote a PCF stating that I had insubordination for not doing OT to Co-Manager Gist. Thou after he sent me home at about 9 o'clock the next day I was terminated. Mary-Jo said that I had said yes to OT but I had said No, then he went home.

MEANINGS

Glass Ceiling : Women & people of color are recruited into management positions but are rarely promoted into the highest position. (Federal Rule of Civil Procedures 406 proffers the CEO's statement and factfinder not allowing me to use the rule as a conspiracy to hinder my rights.)

RACISM : (Exit because of the acts of many individuals who either make and/or carry our discriminatory practices and/or allows them to continue.) When racial prejudice is combined with the power to discriminate against any & all members of the group, its called racism.

MINORITY : Inferiority, low quality, deficiency, imperfection, shortcomings, inadequacy, mediodrity, commonality, commonness, poorness, meaness, subordination, subjection. It's verb to be inferior, not pass the muster; lack, want, the party that has the fewest votes. Adj indifferent, secondary, second-rate, subordinate, lower, diminished, reduced, unimportant, bad. In the law dictionary "In the context of the constitutional guarantee of **equal protection**,'minority'does not have a merely numerical denotation; rather it refers to an identifiable and specially disadvantaged group."

CLASS : division, subdivision, category, heading, order, section; department, province, domain; type, kind, sort, genus, species, variety, family, **race**, tribe, cast, clan, breed, sect.

CULTURE : the application of labor or other means of improvement, discrimination, race of people.

PROMINENT : important, consequential, weighty, considerable, significant, **notable**. The verb deserve consideration, be worthy of notice, merit attention, matter etc.

SUBJUGATION : dependence, subordination, thrall, bondage, slavery, servitude, enslavement, service, employ, submission, obedience, the verb: fall prey to,be at the mercy of, play second fiddle to. adjective: subordinate, under control.

REPRESSION : counter manuever, hinderance,interference, friction, response, **check**. verb:counteract, oppose, antagonize, hinder, impede, **repress**, undercut, nullify, cancel out, undermine, react. adjective: **conflicting**, **contrary**, reactionary. Adverb: although. Prep: inspite of, against.

PRETEXT : allegation, makeshift, shallow excuse, reason.

SOPHISTRY : intuition, instinct, hunch, **presentiment**, cauistry, jesuitry, pervision, (informal) bull, **false statement**; fallacy, sophism. **Sophist**. Adjective: evasive, fallacious, illogical, weak, **subtle**, over-retined, incorrect. Verb: **reason falsely**, **mislead**, **misrepresent**, intuit, beg the question, **subtilize**, gloss over.

COLOR : secondary color, in law dictionary semblance; disguise. Color is often used to designate the hiding of a set of facts behind a sham, taking advantage of the confidence but technically proper, legal theory or legal right.

COLORABLE : that which presents an appearance which does not correspond with the reality, or an appearance **intended to conceal or deceive**.

PROMISE : a declaration of one'sintention to do or to refrain from doing something. It can bind the person making the declaration to the thing declared.

SUPREMACY : control, influence, jurisdiction, command, rule, sway, power, dominion; judge, ruler, warrant, justification, permit, sanction, liberty, authorization. Verb authorize, empower, commission, allow, permit, sanction, approve; justify, legalize, support, back; administer, govern.

Adj: peremptory, magisterial, imperative, dogmatic, masterful; executive, administrative, sovereign, regnant, supreme, dominant, paramount, predominant, influential, official, decisive, valid, absolute.

PETITION

Wal-Mart Stores, Inc. **has intentionally discriminated racially against me**.
Ikechukwu Afi IbrahimUNITED INDEPENDENCE
PRO-SE

Facts of racial discrimination(white supremacy) in workplace.
Application of Wal-Mart Stores Inc for employment in Virginia states rules and constitution of theirs to be followed and at will employment etc. Then the New Hire form states that for the first 90 days you can be terminated for no reason or any reason (at- will policy), for continued employment job evaluation must be standard or above to maintained position after 90 days. To me this is Wal-Mart Stores Inc at-will policy written In their constitutional laws.

They gave more rights after 90 days trial. Library of Congress allowed printing of David Glass statement that he **believes** in **one** culture were ordinary people can become overachievers. That **women and minority** are not prominent in the **Wal-Mart Stores Inc management hierarchy, (however.)** ***Rule 803(17) and 406 of FCRP evidence***. There has been a conspiracy to hinder my rights, (I not guilty of the four write- ups given in that one year.) Proffered to judge that write-ups were falsely write-ups (primacae, defense used to terminate, (pretext, of their progress) on racial discrimination count. Proctors intentionally not using (rules stated in handbook) to schedule breaks and lunch hours along with work hours. Buddy (the manager of Wal-Mart Stores Inc at that period intentionally
discriminated against me, in many ways. He woud also endanger customers by fighting with other customers in the store while other customers were paying for their goods,

his actions were approximately ten feet away from the register that lead to the exit doors for customers. To the extent of his actions of only fighting with black customers gives the inferrance of white supremacy to those looking on.

By not writing up covert/overt situation that a white employee started against me.(infers white supremancy bayseanism with his head in the dirt.) Buddy had me to work under that same employee, knowing that minority/inferior situation of white over looking black, superior complex had(made me take the orders given by that white(racist) employee.) Buddy said that I must shave or do not come back to work (a racial order toward a so-called minority). He once said that I was to become a part-timer. (When) I was a full-timer (employment discrimination). Because of the intentional things he said and did he acted incorrectly for an unjust cause.

A **promise** policy of no retailation for reporting supervisor, whistleblowing etc., use writing or verbally state.(**denied** to me (a black) when I reported my supervisor's actions). Not getting paid after being sent home for reporting supervisors racial actions. Policy on retailation, and rules saying pay when associates is sent home, were denied, is intentionally disregard of employees rights done to me by a Co-manager (proctor of David Glass).
Supervisor using a as a witness an associate that was not where I was or with the CSM when she told me what Mary-Jo who was my supervisor then said I could do. Which was tell Ikechukwu to stay and round-up carts before he goes home. My work hours were from 7-4 and at 3:58 CSM reported to me why I was to stay back. I said **no**, I had plans for the immediate evening.(meaning that my plan was to be accomplished by 4:30.

My saying **no** isn't a reason to be insubordination, when asked/or told to stay past time of regular schedule hours at going home time. Anyway the rule state that proctors will **schedule** your work hours for over time. working with you. (So that you'll know how to plan etc). Supervisor made me a subordinate and said I was insubordinate for saying **yes** I'd stay and round-up cart but went home. When only one stockman is on duty, like I was, the other departments use their people to round-up carts because stockman has clocked-out or they help that **one** stockman because his duty is to sweep floors, round-up carts on a lot the size a football field plus, help customers that asked for assistance, assist in lay-a-way, and do whatever is asked of him by other department bosses oh and clean men and women restrooms of customers and breakroom area. To me that is a lot to maintain at **all times**, really to much to maintained at all times. Mary-Jo not using handbook rule about my not doing over-time to round-up carts that could have taken over an hour to complete depending on the amount of customers coming into the store.

Is **A CONSPIRACY TO HINDER RIGHTS.** By writng false 4 reports with-in a so-called year by proctors of (David Glass racist agency). **No black managers (not Co-manager puppets) of the store ever since store opened.** Privacy act is a part of situation when supervisor Blake intentionally videoed me **working** in the break area from a unknown location to me, takings of me clocking out & in and looking at the clock.. The Act of 1968. Manager Ronnie talking to law enforcement agents on the car lot of Wal- Mart Stores Inc instead of in his office or somewhere in the store, he talked to him from where we have to round-up carts from. A later night Ronnie accused me falsely of walking on top of pillows and called me to the office later and was telling me that his manager was so mad that he could eat me alive **(conspiracy of proctor)** there were no witnesses, he was suppose to have one witness. At sometime after 11 pm he had not finished what had started at 10 pm,

I told him that I had to leave because of buses schedule, and he said its not over, we'll finish this when I come from vacation. That night law enforcement agents came to the bus stop and asked me for my I. D. When asked why she replied some-one on a car phone in a car had reported some-one lurking in woods. The male law enforcement officer looked on.(Not a coinsident, but much more of the **conspiracy to hinder my rights**. Ronnie told Co-manager Walton and manager Ed to get excited (white racist instillment) using my bike that had been kept in doors as an example, which he had me put out side. Had to legally change my name because Buddy didn't like the **African** name. **I was the only one** in the whole store that had to change name to match the one on paychecks, Aluncha has Dee on his name badge thats not on his paycheck and a white girl had Grasshopper on her name badge but not on her paycheck, they both were not told to

change there names to the one on there paycheck. Other whites etc. in the Wal-Mart Store have said no to doing overtime and proctor did not confuse there answer of saying no to a one of saying yes like Mary-Jo did lie.(**conspiracy**). Ronnie signing Co-manager Walton's (his buddy, that kept silent about the white supremacy act of lieing about me walking over pillows) signature as a witness (**conspiracy**) to the situation when in fact there was no witness, (fasleness equaling white racist incorrect action again.) Blake once **conspired** saying that I had to sign a report that I had told him was false therefore I was not signing that which he had wrote(**my rights were hindered again**,) that rule is not in handbook and it was never told to me before by any proctors previous that that by not signing was grounds for termination.(**another to conspire to hinder my rights**). RECONSTRUCTION ADMENDMENTS I used in court of Judge Morgan Cooke Jr. he denied my right to use the admendments (**conspiracy to hinder my rights**) especially the **Fourteenth**

Amendment to the United States Constitution. The 13th,14th, &15th sweep were perpetuated by the courts action equated to injustice (white supremacy racist action). They **conspired** according to the meaning of the Declaration of Independence delivered to Congress July 4 1776 paragraphs 1&2. **Another racial discrimination/white supremacy** act is the posting of managerial position in an exclusively all white managers office where minority and women could not know of the available positions.*The Pledge of Allegiance* paragraph 1 states *One Nation under God with liberty and justice for all...* Ronnie change pay raise of twenty-five cents annual evalution pay to twenty cents **(employment discrimination (racism)**, never happened previously or told of such an act. (incorrect and injustice). **This collective white supremacy (racism), of injustice** continued to be subtle and perpetuated the racial discrimination of the past and in many of its ways were furthered by the lawyers asking for defense

and attorney fees from me and the procedures used for towards a *pro-se*. *Conspiracy to racism/discrimination was/is what Wal-Mart Stores Inc proctors and David Glass have perpetuated and a subtlely understood act (David Glass's (CEO) white racist way of dealing with the laws of the land.)* OPEN DOOR COMMUNICATION POLICY *Promise* has a code of *race discriminate only* WRITTEN IN IT. The companys proctors made by-laws and not told too associates until they were violated and in most cases as was mine written-up for the violation. A quarantee that the associate could be at fault at least once. Twice in one year an associates could be terminated and if problem did not occur again within one year associate was to bring to the attention of proctor to have report removed form his/her file. *EEOC and Courts Transcript conspire to conspiracy to hinder my rights.* How? *The EEOC deciding not to investigate the people that I told them of that knew of the acts that I described on their form*

when reporting the incident and the courts trancripting of what happen is incorrect in some plqces (somebody's name is written, that I was supposed to have said and I did'nt say nor know of any one with that name). EEOC gave me my right -to sue letter (dismissed). I responded filing within a 90 day period. But when I got to court of Judge Morgan Cooke Jr. he only mentioned the complaint that the EEOC had filed, not the case suit that I had served on Wal-Mart Stores Inc filed in the Newport News Federal Court. ***Rule 61 states that;*** *Efforts of Mutiple Errors:* Although each individual evidentiary error might not, standing alone, have affected a party's substantial rights, the court may find that the collective effect of multiple evidentiary errors deprived the moving party of a fair trail.*Phoenix Associates III v. Stone,* 60 F .3d 95, 105 (2d Cir.1995); *Kopf v. Skyrm,* 993 F .2d 374, 381 (4th Cir. 1993).

This has happen to my uses of rule 406, 803(17), admendment rights. (non-moving party)

All being denied by Judge Morgan Cooke Jr. Because of form he says. But I as a *Pro-se* knew nothing of a form when he asked for the prepared evidence, that evedence I presented him. Errors in Admitting or Excluding Evidence: if the evidence wrongfully admitted or excluded was cumulative,...Errors in such rulings are harmless if the party raises no objection, none were raised by defense(attorney). I tried to use those rule (object)

I *told the judge that Indians had filed suit and carrying Wal-Mart Stores Inc to court to stop their building of a store on Indian Sacred Burial Ground, that that type of evidence from a computer in the library and any other type of computer information that could help me would not be allowed in his court, he said CEO statement wasn't in form of evidence.* Judge Bradberry knew attorney failed to meet his deadline of answering to the complaint that was served on Wal-Mart, by delivering the complaint,

summons and time to answer to manager in charge, Mr. Roberts, the day the decision was made and agreed upon to hold and exchange informations etc, the judge told Christine to call the attorney and tell him to filed an excuseable neglect 6(e), *note* **after he had answered late.** Later I was mailed a letter saying that attorney Eugene Webb Jr. had used rule 5(c) allowing the service to be complete upon mailing. I was not under the same rule. I was under the rules 4and 6 not 4-6. ***SAME WHEN UNDER THIS RULE***

Now going back to rule 60 **Other Methods for Seeking Relief From Judgements** @ *Independent Action:* independent actions are permitted in only exceptional cases to prevent grave miscarriagees of justice. *United States v. Beggerly,*_ U.S. _, 118 S. Ct.1862, 141 L. Ed. 2d 32 (1998)

Fraud on the Court: The district court.... The court may grant on its own or on motion.

Note: To constitute as a fraud on the court, the

alledged misconduct must be something more than fraud among the litigants. Instead, the misconduct must be an assault on the integrity of the judical process, which defiles the court itself or is perpetuated by officers of the court in such a manner that the impartial system of justice fails to function. *Baltia Air Lines, Inc. V. Transaction Management, Inc.*, 98 F.3d 640, 642 (D.C.Cir.1996) (citing bribery of a judge or an attorney's knowing participation of prejured testimony); *Transaero, Inc. V. La Fuerza Area Boliviana,* 24 F.3d 457 (2d Cir.1994).
When the Federal court of Norfolk (Judge Morgan Jr.) took the case from the agreed upon location of Newport News to his without proper notice and attorney knowing before I did, that court had been changed to Norfolk. By going to Newport News Court then she went over to Norfolks court for two and a half hours, infer a nature of suspicion. A function of some systems of justice(way of practicing unjust, incorrect and color/colorables using the hidden guides

of law blameing other things of the system for their wrong. The purpose of Summary Judgement is to isolate, and then terminate, claims and defenses that are factually unsupported. The Supreme Court has emphasized that summary judgement is to be viewed not as a disfavored technical shortcut, but rather as an integral component of the Federal Rules. **Summary judgement motions must be resolved not only with an appropiate regard for the rights of those asserting claims and defenses to have their positions ruled upon by a factfinder,** but *also with due regard for the rights of persons opposing such claims and defenses to demonstrate, under this Rule and* before*trail, that the claims and defenses have no factual basis.*

Under Rule 56(c). **MOTION AND PROCEDINGS FOR SUMMARY JUDGEMENT** Doubts and Inferences

"In ruling on motion for summary judgement, the court will never ***weigh*** the evidence or find the facts.

Instead, the court's role under Rule 56 is narrowly limited to assessing the threshold issue of whether a genuine issue exists as to material facts requiring a trail. Thus, the evidence of the non-moving party will be believed as true, all doubts will be resolved against the moving party, all evidence will construed in the light most favorable to the non-moving party, and all reasonable inferences will be drawn in the non-moving party's favor." " "Reasonable" inferences are inferences reasonably drawn from **all** the facts then before the court, after sifting through the universe of *all possible inferences* the facts could support. "Reasonable" inferences are not necessarily more probable or likely, than other inferences that tilt in the moving party's favor. Instead, so long as more than one reasonable inference can be drawn, and that inference creates a genuine issue of material fact, the trier of fact is entitled to decide which inference to believe and summary judgement is *not appropriate.*" Credibility Questions

The court *will not weigh the credibility* of witnesses or *other evidence* in ruling on a motion for summary judgement. Evaluating credibility, weighing evidence, and drawing factual inferences are all functions reserved for the jury.

Standards for Granting or Denying Summary Judgement

Material Fact: Whether a fact is "material" hinges on the substantive *law* at issue. A fact is "material" if it **might** affect the outcome of the case. Disputes over irrelevant or unnecessary facts are insufficient to defeat a motion for summary judgement.

Appropriate As A Matter Of Law: Judgement is appropriate "as a matter of law" when the non-moving party has failed to make an adequate showing on an essential element of case, as to which has the burden of proof.

WAL-MART STORES INC attorney's used the *four write-ups in one year* , "as a matter of law" defense reason to terminate.

Well I told judge that I had not been told of that rule but that I knew of a form from earlier days when I was written-up. It stated that if this problem/opportunity, attendance/tardiness, conduct performance happened again within a twelve -month period that this particular "verbal reminder/discussion" signed and dated statement will be attached to the Written reminder, Decision Making Day or Termination form and placed in the associates' personnel file. **** IF THIS PARTICULAR PROBLEM/OPPORTUNITY DOES NOT OCCUR AGAIN WITHIN THE FOLLOWING TWELVE MONTHS, *the associate should bring this fact to management attention and this form will be removed from his/her personnel file.***

ASSOCIATES' PERFORMANCE COACHING RECORD WMP-63 is the number of the form that I reasoned to rely on cause it was the first form applied to ***associates.***

I once reported a coaching to a District Manager name Chris Muller for having not done the problem within one year and he said that it was to remain in my file because the word performance was included. I had not done the same problem that I was not reminding him of, which stated that what had happened affected my performance. My problem/opportunity stated was different totally than other coaching in file.. Again the **universal subversive** use of sophist, subtle, evasive, and color/colorable reasoning to hinder my rights to liberty etc.. Under all these white supremacies influences I was to subjugate to the whims of any proctor(agent of the president of the store). This type of slavery is Un- American, through-out my complaining, first with some managers, Buddy, Ed, Ronnie, Walton, District manager Chris Muller, Mary-Jo, Blake Fuller, Co-manager Gist, and the investigation choice of the EEOC, attorneys', and judges. The repression that I recieved is non- American from those ...acts.

I stood up and is standing up for my rights even as an insubordinate to the alleged cause of which I'm accused. I have been denied my rights as an employee and as a universal man in the course of justice(a pro-se).It is a crime to repress ones rights of law, economic, educational, labor, sex, entertainment, politcal, religion, and war which means any willful and deliberate **unjust** speech and/or action that is used effectively against any creature.

[*Note all areas areas of (people) activity are* ***interrelated]***

Racism is one or more white persons male/female using **deciet**, direct violence, and/or the threat of violence to promote falsehood, non-justice, and/or incorrectioness, against non white people, on the basis of "color", in order to "satisfy" white people, in one or more ways of activity, including the ones above.

CEO David Glass likes to describe the Wal-mart ***culture*** *as* ***one*** *where ordinary people can become overachivers.*

Neither women nor minorities are prominent in the Wal-Mart management heirarchy, however. ***Rule of evidence 803(17)*** *No Blacks have been at top management position at the Wal-Mart Store Inc., the one on Seville Rowe and Mercury Boulevard,* ***Rule 406 of federal evidence.***

That is seen as and is a ***practice*** *of Wal-Mart Stores Inc.* Both his belief and the practice is extensively the act or action of white supremacy. Sickly thought out to be colorable legally in any of their unjust activities. *Glass Ceiling is that women & people of color are recruited into management positions but are rarely promoted into the higest position.* ***Racism*** *exist because of the acts of many individuals who either* ***make*** *and carry out discriminatory practices or* ***who*** *allow them to continue. A person must belong to the group that has institutional power in order to be a racist. When racial prejudice is combined with the power to discriminate against any or all members of the group, it is called racism.*

Wal-Mart Stores Inc., CEO statement is of a guilty nature for glass ceiling(white supremacy repression), it has black proctors and white proctors who belong to the group that has institutional power, because they carry out discriminatory practices of David Glass and others who make the acts of racism are racist too. Combined with color as used in the law dictionary, and power to discriminate against members of a group ***it is racism.***. When any activity of discrimination is used whether in the court of law, labor, education, etc., prejudice is combined with that power. Virginia is a right to work and at-will state. But Wal-Mart Stores Inc., has a 90 days probation period where by one can be fired for no reason or any reason. (at-will meant to me the probation period) Performance must be at standard or above to maintain(assurance) employment. ***My performance was standard/improved after my last evaluation date for the year*** **1995,** ***my next evaluation was to be in 2/1996.***

All of Wal-Mart Stores Inc., reasons are colorable pretexts's, the real reason is racism.

Racial or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' actions is a required element of a cause of action under 42USCS 1985(3)

With the purpose of depriving any person or class of persons of the equal protection of the laws of equal privileges and immunities under the laws. **Griffin v Breckenridge, 403 US 88, 91 *S* Ct 1790 29 *L* Ed 2d 338**

The federal civil rights statue (18 USCS 241), which makes a conspiracy to interfere with a citizens' free exercise or enjoyment of **any** right or **privilege** secured to him by the Constitution or laws of the United States a criminal offense, includes rights or privileges protected by the Fourteenth Amendment, and extends to conspiracies otherwise within the scope of the statue, participated in by officials alone or in collaboration with private persons.

United States v Price,
383 US 787, 86 *S* Ct 1152, 16 L Ed 2d 267
Attorney for defense went to Norfolk Court at about fifteen or more minutes before we were to have Summary Judgement in Newport News Court. When I arrived at the court a clerk told me that the attorney had gone over to the Norfolk Courthouse of Judge Morgan Cooke, Jr., and that she would come back to drive me over to the Norfolk Federal courthouse in about two and one half hours so to come back in that time to be driven over. Attorney Eugene Webb, Jr. and I stipulated to have all court proceeding in Newport News Federal Courthouse venue. Judge Bradberry of the Federal Courthouse told Christine to call attorney and tell him to asked for an excusable neglect for answering complaint and summons late. The following week I recieved a letter stating that the **question that I asked about** default judgement was in fact a mistake on his part and that the attorney used rule 5(b), service complete upon mailing.

I was not under that rule and a carrier service delivered complaint and summons to manager in charge of Wal-Mart Stores Inc., for me (the pro-se, plaintiff)

The **Federal civil rights statue** (18USCS 241), which makes a conspiracy to interfere with a citizens' free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States a criminal offense, embraces all of the rights and privileges secured to citizens' by all of the Constitution and all of the laws of the United States, including the Thirteenth, fourteenth, and fifteenth amendments; the sweep of the statue is not confined to rights that are conferred by the flow from the Federal Government, as distinguished from those secured or confirmed or guaranteed by the Constitution. **United States v Price, 383 US 787, 86 S Ct 1152, 16 Ed 2d 267**

Both 18USCS 241 and !* USCS 242 which makes it a federal offence to willfully deprive any person under

color of the law of the same rights, include, all of the Constitution and laws of the United States **United States v Price, 383 US 787, 86, S Ct, 1152 16 L Ed 2d 267**

*****The allegations of a complaint support the requisite animus of depriving the plaintiff of the equal enjoyment of legal rights because of their race, and the complaint states a cause of action under 42 USCS 1985(3) which authorizes the recovery of damages where two more persons conspire to ... Deprive any person or class of persons of the equal protection of the laws or equal privileges and immunities under the laws... Conspiracy.

Griffin v Breckenridge, 403 US 88, 91 S Ct 1790, 29 L Ed 2d 338

A civil action for damages under 42 USCS 1985(3) (the surviving version of statue 2 of the Civil Rights Act of 1871) may not be brought to redress violations of Title VII of the CRA of 1964 (42USCS 2000e et seq.), since for (1) 1985(3) creates no independent

substantive rights coextensive with those set forth in Title VII, but is a purely remedial ***statue*** providing a cause of action when a defined Federal right-namely, to the equal protection of the laws of equal privileges and immunities under the law is breached by a conspiracy, and (2) to permit Title VII rights to be asserted within the remedial framework of 1985(3) would allow a complaint to avoid most of Title VII's detailed and specific procedural provisions, which are designed to provide nonjudicial and non-adversary resolution of ***job discrimination claims***, and completely by-scheme, thereby impairing that statutes' effectiveness.(**White, Brennan, and Marshall, JJ.,** dissented from this holding) **Great American Federal Sav., & Loans Asso., V Novotny, 442 US 366, 99 S Ct 2345, 69 L Ed 2d 957**
Private bias not known can manifest self conscious racial prejudice that is unconstitutional. There is an impoverished understanding of the nature of the evil-

invidious racial discrimination-that the ***Equal Protection Clause*** *seeeks to eradicate. Racially discriminatory behavior is directly and inevitably rooted in unconscious discrimination fostered by societys' tacit assumptions and biases. Because much of the bias that drives race-based discrimination is unconscious, the Equal Protection Clause must reach such bias to serve its protective function. Involuntary or voluntary racial classification gives effect to racial bias, all in violation of the Equal Protection Clause.*
CEO did consciously and/or unconsciously make a racial classification when he described the Wal-Mart Store Inc., cheer as one where he believes in one culture and women and minority are not prominent in the Wal-Mart Store Inc.,heirarchy, however.
Also the practice of having no Blacks as top mangers at 1631 store. The postering of managerial position only where prodominently white managers could see it, hindering other

classes or members of a protected group (Which I am a member of the (Black) class) from seeing the notice. The company has made an OPEN DOOR COMMUNICATION POLICY PROMISE (A=) in its handbook. But like many of its' rules the proctors don't follow the handbook. I am a victim of this white supremacy conspiracy of write-ups by proctors, the eeoc investigation rights, the court denying rules, using its rules like the store did for white supremacy injustices to hinder my rights color/and colorable concealments. ***Undermind RULE 803(17) 406 AND OTHER RULES , CONSTITUTIONAL LAWS , RIGHTS, PRIVILEGES , ETC.HAVE BEEN DENIED ME BY THE COURTS, EEOC AND WAL-MART STORES INC., PROCTORS WRITING REPORTS THAT WERE REPRESSIVE AND PRETEXTUALLY SOPHIST. INJUSTICE IN ANYONE ACTIVITY IS AN INCORRECT APPLYING OF JUSTICE TO ALL ACTIVITIES***

IN THE UNIVERSE . RACISM IN EMPLOMENT RELATIONSHIP HAS BEEN SHOWN TO EXIST IN THE MAKINGS OF THE STORES CONSTITUTION OF PRACTICING ITS OWN LAW TO BE COLORED . THE JUSTICE THAT I HAVE SOUGHT HAS USED ITS COLORABLENESS HINDERING MY RIGHTS.

EXCUSE THE ERRORS MADE IN THIS ENTIR PETITION

I AM, A MEMBER OF A PROTECTED GROUP

I AM, PRO-SE

I WORK FOR STORE BEFORE IT OPEN TO THE PUBLIC

I AM, BLACK

I AM, A FIVE YEAR EMPLOYEE OF THE STORE

I AM, GIVEN TO REASON FOR A PETITION

I AM NAME IKECHUKWU OF THE NATIONAL ORIGIN OF AFRICAN (LINGUISTICS)

JUDGE MORGAN DIDN'T SAY TO ATTORNEY

PRESENT THAT ATTORNEY AND DEFENSE FEES ARE NOT GIVEN TO EPLOYERS' THAT WIN THAT BY PLAINTIFF GIVEN ATTORNEY FEES WOULD HINDER POTENTIAL CLAIMS FROM BEING SOUGHT

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED. JUSTICE WAS NOT SERVED TO ME A CITIZEN OF THE STATE OF VIRGINIA. THE CASE SHOULD BE WON BY LEGAL, CIVL, OR CRIMINAL STANDARDS AND THE CONSPIRACY TO HINDER MY RIGHTS UNDER THE LAWS AND PRIVILEGES OF THE CONSTITUTION AND ESPECIALLY THE EQUAL PROTECTION CLAUSE.
THE FOURTEENTH AMENDMENT RIGHTS HAVE BEEN UNDERMINED BY CEO, PROCTORS, ATTORNEYS, JUDGES, AND SECRETARIES, STENOGRAPHERS, AND WAL-MART STORES INC LEGAL TEAM TO THE EXTENT THAT RACIALLY MOTIVATIONAL DISCRIMINATORY ACTIONS HAS BEEN

UPROOTED/UPROOTING THE EFFECT OF COLLECTIVE WHITE SUPREMACY (RACISM) I KNOW THAT THIS PETITION SHOULD BE GRANTED.
I CONTINUE TO PRAY FOR THE RELIEF SOUGHT IN MY COMPLAINT AND SUMMONS IN THE FEDERAL COURT OF LAW...

RESPECTED, THANKS SUBMITTED,

IKECHUKWU AFI IBRAHIM
812 LASALLE GARDENS APT #12D
HAMPTON VIRGINIA 23669

DATE: 5/2000

I HAVE GIVEN THIS BOOKLET MY LIVING CONSTITUTIONAL RIGHT TO BE ACCEPTED BY THOSE WHO WILL GET A COPY OF THIS WRIT OF CERTIORARI

I HAVE'NT HAD THE PRINTING COMPANY TO WRITE AND MEASURE THIS WRIT

THE IMPORTANT FACT IS THAT IKECHUKWU IS INNOCENT OF CHARGES THAT WERE WRITTEN BY WAL-MART STORE INC., THE COURTS, INCLUDING THE APPEALS COURT.

THE CONSTITUTION OF THE UNITED STATES IS THE RULE ..... EXCEPTION ETC.

THE FEDERAL RULE OF EVIDENCE WAS PLACED AFTER THE CONSTITUTION OF THE UNITED STATES WAS WRITTEN BY CONGRESS PEOPLE AND THE PRESIDENTS

MY PRAYER REMAINS THE SAME

THANKS..... IKECHUKWU AFI IBRAHIM

812 LASALLE AVENUE APT#12D

HAMPTON VIRGINIA 23669

NO PHONE NUMBER

LET JUSTICE, EQUALITY, FREEDOM, LIBERTY,ETC. BE

WE'RE GLAD YOU'RE HERE

WAL-MART STORES INC.,
OPEN DOOR COMMUNICATION POLICY
OUR PROMISE TO YOU

You are a Wal-Mart associate with a lot to contribute to our Company. We encourage you to share your ideas, observations, peoblems or concerns regarding the Company or yourself any time. Please share information by whatever means you feel comfortable - verbal or written.

Our Open Door Policy encourages you to discuss **any matter freely**, openly, in confidence and without fear of any type of retaliation. When you use the Open Door Policy, we prefer that you start with your immediate supervisor. **However, if your supervisor is the source of your problem** or if you feel the problem has not been addressed satisfactorily, go to

the next level of management - up to and including our Company's Senior Management.
Our "Letters to the President" allows you to express your ideas and/or concerns in writing to David Glass, our President. Simply use one of our postage paid "Letters to the President" forms located in all Wal-Mart facilities and you will get a response!
We really do believe that Our People Make a Difference. We want you to think about our Company and our business, and how you can help make them better.

OUR PEOPLE MAKE THE DIFFERENCE!

NOTICE OF DEPUTY DETERMINATION
VA

SIC SEMPER TRYANNIS
1320 LASALLE AVENUE SSN: 228-049938
HPT. VA 23669 **PROGRAM**: 01 **BYE**: 01/04/97
(804)727-4886 **LON**: 040 **LTRN**: 01
(Fax)727-4853 **LAST 30 DAY EMPLOYER**:
WAL-MART STORES, INC.

CLAIMANT NAME AND ADDRESS POB 283
IKECHUKWU A. IBRAHIM
812 LASALLE AVENUE APT. 12D
HAMPTON, VA 23669

YOU ARE HEREBY NOTIFIED THAT BASED ON FACTS OBTAINED IN CONNECTION WI TH YOUR CLAIM FOR UNEMPLOMENT COMPENSATION FILED ON **01/07/96** THE UNDERSIGNED DEPUTY PURSUANT TO SECTION 60.2-618(2) OF THE VIRGINIA UNEMPLOYMENT COMPENSATION ACT (AS SHOWN ON BACK) RENDERS THE

FOLLOWING DETERMINATION:
CLAIMANT DISQUALIFIED EFFECTIVE **01/07/96**

YOU REFUSED TO FOLLOW A SUPERVISOR'S ORDERS ON 01/15/96. SPECIFICALLY PUTTING THE SHOPPING CARTS IN THE PROPER AREA AND DISCHARGE RESULTED.

THE VIRGINIA UN**EMPLOYMENT** COMPENSATION ACT PROVIDES A DISQUALIFICATION IF IT IS FOUND A CLAIMANT WAS DISCHARGED FOR **MISCONDUCT** IN CONNECTION WITH WORK. WHEN AN EMPLOYER ASSIGNS AN EMPLOYEE A REASONABLE DUTY AND THE EMPLOYEE REFUSES TO PERFORM THE TASK, THE REFUSAL IS TANTAMOUNT TO **INSUBORDINATION**.

WHICH THE COMMISSION HAS REPEATEDLY HELD TO CONSTITUTE **MISCONDUCT**. IN VIEW OF THE ABOVE, IT IS DETERMINED THAT YOUR ACTIONS DID **CONSTITUTE MISCONDUCT** WITHIN THE MEANING OF THE ACT. **YOU ARE, THEREFORE, DISQUALIFIED FOR BENEFITS.**

"s/B. Headley" DEPUTY,

VA

EMPLOYMENT COMMISSION

DATE MAILED: 02/01/96

FINAL DATE FOR APPEAL IS: 02/22/96

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS TO SUE

TO: IKECHUKWU A. IBRAHIM
FROM: EEOC NORFOLK AREA OFFICE
WORLD TRADE CENTER SUITE 4300
101 WEST MAIN STREET NORFOLK VA 23510

CHARGE No.EOC REPRESENTATIVE TELE No.
121-96=0234 Michael T.Johnson invest.
(757)441-3706

YOUR CHARGE IS DISMISSED FOR THE FOLLOWING REASON:

[X] THE COMMISSION ISSUES THE FOLLOWING DETERMINATION: BASED UPON THE COMMISSION'S INVESTIGATION, THE COMMISSION IS UNABLE TO CONCLUDE THAT THE INFORMATION OBTAINED ESTABLISHES VIOLATIONS OF THE STATUTES.

C

THIS DOES NOT CERTIFY THAT THE RESPONDENT IS IN COMPLIANCE WITH THE STATUTES. NO FINDINGS IS MADE AS TO ANY OTHER ISSUES THAT MIGHT BE CONSTRUED AS HAVING BEEN RAISED BY THIS CHARGE.

-NOTICE OF SUIT RIGHTS-

[X] TITLE VII AND/OR THE AMERICAN WITH DISABILITIES ACT: THIS IS YOUR NOTICE OF RIGHT TO SUE, WHICH TERMINATES THE COMMISSIONS PROCESSING OF YOUR CHARGE. IF YOU WANT TO PURSUE FURTHER... IN US DISTRICT COURT DO **WITHIN 90 DAYS** FROM YOUR RECIEPT OF THIS NOTICE; OTHERWISE YOUR RIGHT TO SUE IS LOST.

DATE MAILED 3/5/98 On behalf of the Commission

HERBERT BROWN AREA DIRECTOR

"s/Herbert Brown"

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

IKECHUKWU AFI IBRAHIM,

SUMMONS IN A CIVIL CASE

Plaintiff,

Case Number: 4:98cv 00072

V

WAL-MART STORES, INC.,

Defendant

To: (Name and address of the above defendant)
YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY(name and address)

D

IKECHUKWU AFI IBRAHIM
812 Lasalle Gardens #12D
Hampton, VA 23669
(PRO SE)

A TRUE COPY, TESTE.
Norman H Meyer, Jr.
CLERK

By: "s/ Paula M Lankford"
DEPUTY CLERK

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you,exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.
Norman H Meyer, Jr., Clerk June 4, 1998

"s/Paula M Lankford"
(DEPUTY CLERK)

UNITED STATES DISTRICT COURT

FILED JUNE 3 1998

FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS, VIRGINIA
COMPLAINT
IKECHUKWU AFI IBRAHIM
812 LaSALLE GARDENS APT. #12d HAMPTON
VA 23669

V

WAL-MART STORES INC.
702 Southwest Street Bentonville AR 722716-8095
KIRK GUTHRIE, PARALEGAL
(RESPONDENT)

I am suing in the Federal Court because of violations of the Federal Laws (Civil Rights Laws) of employees,

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(15 or more wokers)
CRA of 1991 (jury trial),
CRA of 1870 (section 1981) these and more are laws under Federal Jurisdiction
The grievance of racism in employer-employee relations,
Retaliation,termination, employment discrimination, misuse of handbook policy, erroneous charges, and denial of unemployment benefits etc.
I am suing for 2.4 million dollars and I ask that employers be prohibited from doing such to others employed (rights)

"s/Ikechukwu Afi Ibrahim"
812 Lasalle Gardens
Apt #12d Hampton VA 23669
(757)826-2197

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA

Norman H Meyer, Jr. OFFICE OF THE CLERK
CLERK NEWPORT NEWS, VA 23607
P.O. BOX 494

SEPTEMBER 10, 1998

Ikechukwu Afi Ibrahim
812 Lasalle Gardens, Apt. #12D
Hampton, VA 23669

RE: 4:98cv72
IBRAHIM vs WAL-MART STORES INC.

NOTICE OF ABATEMENT

This case was filed on June 3, 1998 and the summons,

which was duly issued thereon, has not been served on the defendant(s), WAL-MART STORES INC. Nor has there been an appearance on behalf of the defendant(s). Pursuant to RULE 4(m),Federal Rules of Civil Procedure, **YOU ARE HEREBY NOTIFIED** that failure to show cause within fifteen (15) days why this service was not made within 120 (One hundred & twenty) days of filing of the complaint will result in the dismissal without prejudice of this action.

THERE WILL BE NO FURTHER NOTICE

Norman H Meyer, Jr., CLERK
NEWPORT News, VA

By "s/Paula M. Lankford"
DEPUTY CLERK

AFFIDAVIT OF SERVICE

1071 PALMERTON DRIVE Newport News VA 23602-2073

Service provided to:

IKECHUKWU A. IBRAHIM
812 LaSalle Gardens, Apt #12-D
Hampton, VA 23669

INVOICE

Date: **9/18/98**

INVOICE NO. 09803661

TERMS: NET 10

PAGE NO. 1

DATE Service(s) Provided

9/18/98

US District, Eastern dist of VA., NN Div Court
IKECHUKWU A. IBRAHIM v WAL-MART STORES INC.

Case No. 4-98cv00072

Process *****

Executed service of **SUMMONS IN A CIVIL CASE** on

Wal-Mart Stores Inc.-cn 17495

SCF; AOS 9/18/98 $25.00

Date and Time of service: 9/18/98 @ 11:40 AM

Method of service: Delivered a copy to person found in charge of place of business or employment during hours and giving information of its purport. Service accepted by:

ROBERT J GODING JR
[MANAGER]

"s/Jacqueline I Hester"

9/18/98

Subscribed and sworn to/affirmed before me this day
by Jacqueline I Hester
Date: 9/18/98 "s/Michael L McWhorter"
My commission expires:8/31/01 Signature of Notary
Public

THIS IS COPY OF ENVELOPE

MAYS & VALENTINE
L.L.P.
1111 EAST MAIN STREET
P.O. BOX 1122
RICHMOND VIRGINIA 23218-1122
Mailed October 7, 1998 VA

ADDRESS TO:
MR IKECHUKWU IBRAHIM
812 LASALLE GARDENS #12D
HAMPTON VIRGINIA 23669

RECIEVED ANSWER TO COMPLAINT
OCTOBER 9

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS VIRGINIA

Ikechukwu Afi Ibrahim)
Plaintiff)
Case No. 4:98cv72)
)
)
V)
)
)
Wal-Mart Stores Inc.)
Defendant)

ANSWER

0Defendant Wal-Mart Stores Inc., by counsel, for its answer to the complaint, states as follows:

WHEREFORE, defendant Wal-Mart Stores, Inc. requests that the complaint be dismissed and that it be awarded its costs of defense thereof, including reasonable attorney's fees.

(Attorneys Kimberly Daniels & Mr. Webb Jr) asked courts to award Wal-Mart Stores Inc. Attorneys fees and cost of defense.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Filed May 24, 1999

No. 00-1637
CA-98-72-4

IKECHUKWU AFI IBRAHIM
Plaintiff - Appellant

V

WAL-MART STORES INC.
Defendant - Appelle

ORDER

It is ordered, that the informal briefing schedule dated May 19, 1999, is hereby rescinded due to **transcript.**

The informal briefing schedule will be resumed upon notice from the District Court that the record is complete for purposes of appeal.

FOR THE COURT - BY DIRECTION
"s/Patricia S Connor"
CLERK

ORDER

For reasons appearing to the Court. The Court extends the time for filing the **transcript,** without sanctions, to 8/30/99. A 10 percent fee reduction will apply if the **transcript** is not filed by that date and a 20 percent fee reduction will apply if the **transcript** is not filed by 9/29/99.

"s/Patricia S Connor"
CLERK

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
LEWIS F. POWELL, JR.
UNITED STATES COURTHOUSE ANNEX

Patricia S Connor
CLERK

1111 East Main Street, Suite 501
Richmond Virginia 23218-3517

July 30, 1999

NOTICE OF INTENT TO DISMISS
****

Ikechukwu Afi Ibrahim
Apartment 12D
812 Lasalle Avenue
Hampton VA 23669

RE: 99-1637 Ibrahim v Wal-Mart Stores Inc.
CA-98-72-4

E

Dear Appellant:

This case will be dismissed for want of prosecution on 8/16/99 unless prior to that date a **disclosure statement** has been recieved for filing in the Office of the Clerk, or you have otherwise remedied the default. You were previously directed to file this document. According to our records, you failed to comply.

Enclosed for your information is a copy of Local Rule 45, which addresses **this Court's practice of dismissal** for failure to prosecute.

Your's truly,

Enclosure(s) PATRICIA S. CONNOR

cc: Kimberly W Daniels CLERK

Daryl Eugene Webb Jr. By "s/Joy Hargett"

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED: JANUARY 18, 2000

No. 99-1637
CA-98-72-4

IKECHUKWU IBRAHIM
V
WAL- MART STORES INC.

MANDATE

THE JUDGEMENT OF THIS COURT DATED 12/27/99 TAKES EFFECT TODAY.

PATRICIA S CONNOR
CLERK

(unpublished)

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1637

IKECHUKWU AFI IBRAHIM
Plaintiff -Appellant

V

WAL-MART STORES INC.
Defendant -Appelle

Appeal from the United States District Court for the Eastern District of Virginia, at **Norfolk.** **HENRY C. MORGAN, JR.,**
District Judge. (CA-98-72-4)

Submitted: December 16, 1999 Decided: December 27, 1999

Before **MURNAGHAN , MOTZ,** CIRCUIT JUDGES**, and **BUTZNER,** SENIOR CIRCUIT JUDGE***.

Affirmed first by unpublished per curiam opinion. Ikechukwu Afi Ibrahim, Appellant Pro Se. Daryl Eugene Webb, Jr., Kimberly W. Daniel, MAYS & VALENTINE, Richmond, Virginia, for Appelle.

Judge **MOTZ did not participate in consideration of this case. The opinion is filed by a quorum of the panel pursuant to 28 U.S.C. 46(d).